

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

CASTILLO GRAND LLC,

Plaintiff and Counterclaim-Defendant,

-against-

SHERATON OPERATING CORPORATION,

Defendant and Counterclaim-Plaintiff.

: 06 CV 5526 (RPP)

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ORDER

CAME ON to be considered Defendant's Motion to Dismiss for Lack of Subject Matter Jurisdiction in the above-entitled and numbered cause. The Court, having considered the motion and accompanying documents, the pleadings, and the parties' other submissions, finds that there is not complete diversity between the parties, as required by 28 U.S.C. § 1332. Accordingly, the Court is without subject matter jurisdiction over this action. It is therefore

ORDERED that Defendant's Motion to Dismiss for Lack of Subject Matter Jurisdiction is hereby granted; it is further

ORDERED that the action and all claims filed herein be dismissed without prejudice.

IT IS SO ORDERED

Dated: New York, New York
August 13, 2009

Robert P. Patterson, Jr.

Copies of this order were faxed to:

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